REMARKS

This is in response to the Office Action mailed April 22, 2003. Applicants respectfully traverse and request reconsideration.

Rejection under 35 U.S.C. §112

Claims 33 and 38-41 currently stand rejected under 35 U.S.C. §112, 2nd ¶, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses and submits the present rejection as improper as it is not the Applicant's responsibility to indicate to the Examiner where elements falling under 35 U.S.C. §112, 6th ¶, to define the claim element subject to the Means plus function. Rather, in accordance with the Supplemental Examination Guidelines for Determining the Applicability of 35 U.S.C. §112, paragraph six 65 FR 38510, FR Vol. 65, No. 120, June 21, 2000 hereinafter referred to as "Guidelines." It is respectfully submitted the Examiner has failed to establish a *prima facie* case of unpatentability for these claims as the Examiner has failed to follow the relevant Guidelines.

These Guidelines set forth a three-part determination as to the applicability of 35 U.S.C. §112, sixth paragraph. Part 1 of the Guidelines sets forth the requirements for determining whether the claim invokes 35 U.S.C. §112, sixth paragraph. If the claim uses the phrase "means for," the phrase is modified by functional language, and the phrase and functional language is not modified by sufficient structure to achieve the function, then it is presumed that the claim in fact invokes §112, paragraph six.

Part 2 of the Guidelines sets forth requirements regarding whether the written description adequately describes the corresponding structure that carries out the recited function in the claims. This requirement is satisfied if the written description links or associates particular structure, material or acts to those cited functions, or prior skilled in the art would have known what structure, material or acts performed the recited function.

Part 3 of the Guidelines sets forth requirements for establishing a *prima facie* case of equivalence by the Examiner, and involves a three-step analysis including:

(1.)   whether the prior art element performs the functions specified in the claim;

(2.)   whether the prior art element is not excluded by any explicit definition provided in the specifications for an equivalent; and

(3.)   whether the prior art element is in fact an equivalent of the means plus functional limitation.

The Guidelines set forth four factors that will support a conclusion of the prior art element is an equivalent (step (3) above), as follows:

(3a)   the prior art performs the identical function specified in the claim in substantially the same way, and produces substantially the same results as the corresponding element disclosed in the specification;

(3b)   a person of ordinary skill in the art would have recognized the interchangeability of the elements shown in the prior art for the corresponding element disclosed in the specification;

(3c)   there are insubstantial differences between the prior art element and the corresponding element disclosed in the specification; and

(3d)   the prior art element is structural equivalent of the corresponding element disclosed in the specification.

A showing of at least one of these factors ((3a)-(3d)) will generally be sufficient to establish a *prima facie* case of unpatentability over the prior art element, after which the burden shifts to the Applicant to show that the prior art element is not an equivalent.

In the present application, claim 33 recites limitations directed to a first means for storing programming instructions, a second means for storing programming instructions, a third means for storing programming instructions and a fourth means for storing programming instructions. The Examiner asserts that "since no function is specified by the word ("s") preceding "means," it is impossible to determine the equivalence of the element, as required by 35 U.S.C. §112, sixth

paragraph." (See paragraph 4, page 2). Applicant submits, that in accordance with the Guidelines, it is the Examiner's responsibility to determine the equivalence that the interpreting means plus function clause provides. In the present case, the Examiner has asserted that it is impossible to determine equivalence, wherein Applicants direct the Examiner to, among other places, FIG. 3 and the associated discussion beginning on page 9, line 17. A tersery review of the above-noted sections of the specification and drawings provide exemplary and sufficient delineation of the claimed means for storing programming instructions. Therefore, it is submitted that the Examiner's rejection under 112, paragraph 2 is improper as the present specification provides the requisite support in these claimed limitations. Moreover, it is submitted that the Examiner is required, under the Guidelines, to interpret the means plus function and thereupon provide for a rejection in view of the Examiner-interpreted means plus function limitations, as interpreted in view of the specification.

Therefore, it is submitted the present rejection is improper and should be withdrawn. In the event the Examiner should maintain the present rejection, Applicant submits the Examiner must perform the present rejection in view of the Guidelines.

Rejection under 35 U.S.C. §102

Claims 24, 29, 31-33, 38, 40-46, 48-52 and 56 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,980,678 ("Zenda"). Applicant respectfully traverses and submits that the present rejection is no longer proper in view of the amendments made to claims 24, 33, 42 and 49. These claims have been amended to include limitations directed to "a first display driver is coupled to a first screen memory portion and a second screen memory portion." The claim amendments provide a further delineation of inherently claimed features previously contained herein, specifically that the display controls operably coupled to a plurality of display drivers, providing further that the first display driver is coupled to a first screen memory portion and a second screen memory portion. In paragraph 13 and 14 on page 10 of the present Office Action, the Examiner has indicated that the prior art of record fails to "teach 'the coupling controller couples a first display driver to a first and a second screen memory portion.'" It is submitted that in the Examiner's own words, that the currently pending claims

claim limitations are not disclosed by the prior art of record and therefore the rejection should be withdrawn and the claims passed to issuance.

In the alternative, Applicant respectfully submits the present rejection is improper as Zenda fails to disclose all of the claimed limitations. For example, claim 24 recites, *inter alia*, "determine whether the display preferences can be filled in observance of at least one of: configuration properties of the multiple displays and configuration properties of a computing system, the coupling controller determining whether a current configuration of the multiple displays to the computing system can be reconfigured such that the displayed preferences can be fulfilled while maintaining effective configuration of the current configuration when the display preferences cannot be fulfilled." In the present Office Action, the Examiner asserts on page 3 that this limitation is taught by the D flip flop 59 of Zenda with regards to the two displays, CRT 19 and PDP 21. Applicant traverses and submits that the Examiner has not provided adequate support for the present rejection as Zenda discloses a boolean operating system which allows for either a CRT display or a PDP display.

Even as disclosed within the abstract of Zenda, Zenda teaches, among other things, a CRT palette data buffer and a flat panel display unit palette data buffer containing palette data. The CPU, in response to a user generated command for the type of display activated, loads the associated palette data into a palette buffer. The Examiner-asserted operations of the D flip flop 59 are inconsistent with the disclosure of Zenda and fail to disclose the claimed present invention. As stated on col. 5, lines 19-24, "if, in step 57, a command is input through keyboard 16, to switch the display apparatus to be used from PDP 21 to CRT 19, CPU 1 reads out the content of buffer 5, and sets the readout data in palette 13, via system bus 3, in step 59." As disclosed by Zenda, all that occurs is the palette data is loaded when the display is switched.

Stated in another way, Zenda teaches completely different system which is a boolean operated system providing for either a PDP or CRT output display and a loading of a palette data into a buffer in response to the chosen display. The claimed present invention is directed to, among other things, a coupling controller allowing for multiple displays as recited in the appended claims. Zenda operates in a completely different manner by choosing either one

palette or the other and loading the database on the chosen output screen and produces a completely different result which is a loaded color palette providing for a specific output display, whereas the present invention provides for a system which performs a determination of whether displayed preferences can be fulfilled and whether multiple displays can be configured within display preferences such that a proper output can be provided. Zenda does not concern itself with whether the display preferences can be implemented, but rather as directed solely to implementing the proper parameters once a determination has been made as to which output display, thereby generating corresponding color palette, into a temporary buffer for providing output from the CPU to the chosen display.

It is submitted this is wholly inconsistent as the limitation claim in claim 24, 33, 42 and 49 for determining whether the display preferences can be fulfilled, while maintaining the existing preferences when they cannot be fulfilled. Should the Examiner maintain the present rejection, Applicant requests a showing, including specific column and line numbers, of where this specific limitation explicitly disclosed by Zenda. In the alternative, Applicant requests reconsideration and withdrawal and the passage of these claims to issuance.

Regarding claims 29, 31-32, 38, 40-41, 43-46 and 48, is respectfully submitted that these claims contain further limitations which are not anticipated by Zenda, as discussed above. Furthermore, it is submitted that these claims, as being dependent upon an allowable base claim, provide allowable patentable subject matter and are allowable not merely as being dependent upon an allowable base claim, but provide further patentable subject matter in view of the prior art of record. As such, it is submitted the rejection is not longer proper and should be withdrawn.

Regarding claim 49, Applicant submits the present rejection is no longer proper in view of the incorporation of the limitations previously found within now currently cancelled claim 54. In accordance with the Examiner's statements and present Office Action, the prior art references fail to disclose, teach or suggest all the claimed limitations of claim 49, and as such the claim is allowable in view of the prior art of record. Therefore, it is submitted the rejection is no longer proper and should be withdrawn.

Regarding claims 50-52, Applicant submits that these claims contain further patentable subject matter in view of the prior art of record and are allowable not merely as being dependent upon an allowable base claim. It is submitted the rejection is no longer proper as claim 49 is allowable and these claims are allowable as providing further patentable subject matter in view of the prior art of record and not merely as being dependent upon an allowable base claim. As such, reconsideration and withdrawal is requested. Regarding claim 56, Applicant asserts confusion as Applicant is not aware of a currently pending claim 56 in the present application. Therefore, it is submitted the rejection is moot as there is no currently pending claim 56 and the rejection should be withdrawn.

Rejection under 35 U.S.C. §103

Claims 30, 39, 47 and 53, currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zenda in view of U.S. Patent No. 5,559,525. Applicant traverses and submits the rejection is improper as claims 30, 39, 47 and 53 contain further patentable subject matter in view of allowable claims 24, 33, 42 and 49. It is submitted these claims contain further patentable subject matter and are allowable, not merely as being dependent upon an allowable base claim. Regardless thereof, Applicant respectfully traverses the Examiner's assertions regarding the teachings of these prior art references with respect to present claims and resubmit that these claims contain further patentable subject matter in view of the prior art of record.

Accordingly, Applicant respectfully submits that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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Date: July 21, 2003

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